REMARKS

Introduction

Claims 1-32 are pending in this application.

Applicant has amended claims 6, 16, 21 and 27 and have added claims 33-64 to more particularly define the invention. No new matter has been added and the amendments and new claims are fully supported and justified by the specification.

Reconsideration of this application in light of the following remarks is hereby respectfully requested.

Summary of the Examiner's Action

Claims 1 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Scagnelli et al., U.S. Patent 5,921,865 (hereinafter "Scagnelli").

Claims 21-32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Walker et al., U.S. Patent 6,325,716 B1 (hereinafter "Walker").

Claims 2-7, 9, 12-17 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of LottoBot, http://lotobot.net (hereinafter "LottoBot").

Claims 8 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of SGI

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Insights, Scientific Gaming International, vol. 1, issue no. 5 (January 1999)(hereinafter "SGI").

Claims 10 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of McCollom et al., U.S. Patent Application Publication 2002/001623 A1 (hereinafter "McCollum").

Applicant's Reply to the Rejection of
Claims 1 and 11 Under 35 U.S.C. § 102(b)

Claims 1 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Scagnelli. The Examiner's rejections are respectfully traversed.

Applicant's invention, as defined by independent claims 1 and 11, is directed towards a method and system for allowing a user to participate in lottery wagering using user equipment. An interactive wagering application is used to display a listing of lotteries in which the user may participate on the user equipment. The interactive wagering application gives the user the ability to participate in at least one of the lotteries. The user equipment may be, for example, a set-top box, a personal computer, a cellular telephone, a handheld computing device, or any other suitable device that is capable of displaying a listing of lotteries.

Scagnelli refers to a lottery wagering system in which a user may use a touch-tone telephone to participate in

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a lottery. According to Scagnelli, the user, after calling a specified number, is welcomed by a voice responsive unit (VRU), which asks for information needed to participate in a lottery using voice prompts. The VRU receives user responses via touch-tone signals generated when the user presses buttons on a telephone keypad.

The Examiner asserts that Scagnelli discloses an interactive lottery system that provides "a listing of lotteries in which the user can participate on a display" (Office Action p. 2) as required by applicant's independent claims 1 and 11. Contrary to the Examiner's assertion, applicant respectfully submits that Scagnelli makes no such disclosure. More particularly, Scagnelli fails to make any mention of a display (much less providing a listing of lotteries on a display). Rather, Scagnelli is directed towards a lottery wagering system based on a telephone interface. The wagering system of Scagnelli interfaces with the user using voice prompts and touch-tone signals.

According to Scagnelli, "[a] special purpose computer may also be employed. This special purpose computer takes the place of the telephone and includes a special keyboard and processor. The computer replaces the telephone unit; the special keyboard replaces the telephone's keypad"

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(column 3, lines 41-45). However, nothing in Scagnelli shows or suggests the use of a display in conjunction with the "special computer." Thus, Scagnelli makes it quite apparent that the "special computer" is not intended to employ a display device. No mention of any displays or display devices is made, nor can such features be considered inherent.

In fact, Scagnelli teaches away from the use of a display. In the "Background of the Invention" section, Scagnelli makes reference to Markowicz, U.S. Patent 4,842,278 (hereinafter "Markowicz"). According to Scagnelli, in the system described by Markowicz, "the player places bets on a lottery terminal by pressing various keys on its keyboard in response to a menu-driven display" (Scagnelli, column 1, lines 33-35). However, in discussing the problems of the Markowicz system among others, Scagnelli states that such a system does not "allow a subscriber to call up on a touch-tone telephone...[and] place wagers in one or more lotteries" (Scagnelli, column 1, lines 64-65), effectively indicating that modifying Scagnelli to include a display would render it unsatisfactory for its intended purpose. Thus, Scagnelli not only fails to mention the use of displays or display devices,

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but also specifically teaches away from their use in favor of a telephone interface.

Accordingly, applicant's independent claims 1 and 11 are allowable over Scagnelli. Applicant respectfully requests that the rejection of claims 1 and 11 be withdrawn.

Applicant's Reply to the Rejection of
Claims 21 and 27 under 35 U.S.C. § 102(e)

Independent claims 21 and 27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Walker. Applicant has amended independent claims 21 and 27 to more particularly define the invention. The Examiner's rejections are respectfully traversed.

Applicant's invention, as defined by amended independent claims 21 and 27, is directed towards a method and system for using an interactive wagering application to allow a user to participate in a lottery automatically. The user is given the ability to specify conditions under which he wishes to participate in the lottery via the user equipment on which the interactive wagering application is at least partially implemented (i.e., by directly entering the conditions into the user equipment). The interactive wagering application automatically participates in the lottery on behalf of the user when the conditions are met.

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Walker refers to a lottery system in which a user must purchases tickets from a lottery agent. After entering necessary information (i.e., lottery numbers and conditions for participating) on a slip of paper by hand, the user must present the slip to a lottery agent who must then scan the slip into his lottery terminal in order to issue and print lottery tickets.

The Examiner asserts that Walker discloses a conditional lottery system that teaches all the features of claims 21 and 27. Contrary to the Examiners assertion, applicant respectfully submits the Walker makes no such disclosure. Walker fails to show or suggest giving the user the ability to specify conditions under which he wishes to participate in a lottery via user equipment on which the interactive wagering application is at least partially implemented. Rather, the lottery system of Walker is based on slips of paper that are filled out by the user by hand and later scanned into a lottery terminal by a lottery agent.

Accordingly, applicant's amended independent claims 21 and 27 are allowable over Walker. Applicant respectfully requests that the rejection of claims 21 and 27 be withdrawn.

Applicant's Reply to the Rejection of
Claims 6 and 16 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 6 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of LottoBot. Applicant has amended claims 6 and 16 to more particularly define the invention. The Examiner's rejections are respectfully traversed.

Applicant's invention as defined by amended claims 6 and 16, is directed towards a method and system for recording, in a multimedia format, the lottery drawings associated with the lotteries in which a user participated.

LottoBot is a website that provides lottery drawing results over the Internet. LottoBot also allows for emails to be transmitted containing personal lottery results for specified lotteries, and a jackpot alert notifying users when a particular lottery jackpot is large. Applicant does not concede that LottoBot is a valid prior art reference (e.g., because it is not readily apparent which portions of the website were created at which dates). Applicant, however, in order to advance prosecution, addresses this reference herein as though it is a valid prior art reference. Applicant reserves the right to argue the availability of this reference as prior art at a later time.

The Examiner asserts that in view of LottoBot, it would have been obvious to one of ordinary skill in the art,

at the time of the invention, to modify Scagnelli to add the feature of notifying the user that the results to at least one lottery in which the user participated are available.

Nothing in either Scagnelli or in LottoBot shows or suggests recording lottery drawings in a multimedia format. Therefore, whether taken alone or in combination, both Scagnelli and LottoBot fail to show the features of applicant's invention as defined by claims 6 and 16.

Moreover, there is no prior art motivation to combine Scagnelli and LottoBot. Scagnelli relates to a lottery system accessed through a touch-tone telephone. LottoBot relates to a website that contains information on upcoming and past lottery drawings. Scagnelli provides a user the ability to place lottery wagers and LottoBot archives commonly available lottery drawing data. Other than the common lottery theme, these systems are not related and there is thus no motivation to combine these references in the manner suggested by the Examiner.

In fact, Scagnelli teaches away from a combination with LottoBot. As discussed with respect to applicant's claims 1 and 11, Scagnelli teaches away from the use of displays. Because LottoBot is a webpage – based entirely on

a display interface, Scagnelli teaches away from being combined with LottoBot.

Accordingly, applicant's amended claims 6 and 16 are allowable over Scagnelli in view of LottoBot. Applicant respectfully requests that the rejection of claims 6 and 16 be withdrawn.

Applicant's Reply to the Rejection of Claims 10 and 20 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 10 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of McCollom. The Examiner's rejections are respectfully traversed.

Applicant's invention, as defined by claims 10 and 20, is directed towards a method and system for allowing a user of an interactive wagering application to create a wager, for allowing the user to finalize the wager at a later time, and for reminding the user to finalize the wager.

McCollom refers to a system for publishing, distributing and redeeming coupons on a network. Additionally, McCollom refers to a "shopping list" or "wish list" containing items that a user stores for future purchase.

The Examiner asserts that:

> In view of McCollum, it would have been
> obvious to one of ordinary skill in the
> art at the time of the invention to
> modify Scagnelli ... to add the features
> of giving the user the ability to
> finalize a wager at a later time and
> reminding the user to finalize the wager

(Office Action pp. 6-7). The Examiner further asserts that
the reminding is performed by the "system's display [which]
provides an indication reminding the user that the purchase
is not finalized" (Office Action p. 6).

Contrary to the Examiner's assertions, applicant
respectfully submits that neither Scagnelli nor McCollum
shows or suggests giving the user the ability to finalize a
wager at a later time, nor reminding the user to finalize the
wager. The Examiner concedes that Scagnelli fails to teach
these features and relies on McCollum to do so. Applicant
respectfully submits that McCollum fails to show or suggest
these features as well. There is no mention in McCollum of
giving the user the ability to finalize a wager at a later
time, nor is there any mention of reminding the user to
finalize a wager. Rather, McCollom shows a wish list that is
merely part of an online shopping application. Thus, whether
taken alone or in combination, both Scagnelli and McCollom
fail to show all of the features of applicants claimed
invention, as defined by claims 10 and 20.

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Moreover, there is no prior art suggestion or motivation to combine Scagnelli and McCollom. There is no connection between these two references. Scagnelli relates to a computerized lottery wagering system and McCollom relates to a system for publishing, distributing and redeeming coupons on a network. McCollom has nothing to do with lotteries or with any other sort of wagering and is therefore not relevant to Scagnelli (or to applicant's claimed invention). Applicant respectfully submits that the Examiner has failed to demonstrate any motivation for combining these two references.

In fact, Scagnelli teaches away from being combined with McCollom. As discussed with respect to claims 1 and 11, Scagnelli teaches away from the use of displays. Because the Examiner relies on McCollom's display (i.e., for allegedly showing a reminder that a purchase has not been finalized), Scagnelli cannot be modified to include such a feature.

Accordingly, applicant's claims 10 and 20 are allowable over Scagnelli in view of McCollom. Applicant respectfully requests that the rejection of claims 10 and 20 be withdrawn.

Applicant's Reply to the Rejection of
Claims 2-10, 12-20, 22-26, and 28-32

The Examiner rejected claims 2-7, 9, 12-17 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of LottoBot. Claims 6 and 16 have been shown to be allowable above. Claims 6 and 16 are further allowable at least because they depend from independent claims 1 and 11. Claims 2-5, 7, 9, 12-15, 17 and 19 are allowable at least because they depend from allowable independent claims 1 and 11. Applicant respectfully requests that the rejection of claims 2-7, 9, 12-17 and 19 be withdrawn.

The Examiner rejected claims 8 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of SGI. Claims 8 and 18 depend from independent claims 1 and 11 and are allowable at least because claims 1 and 11 are allowable. Applicant respectfully requests that the rejection of claims 8 and 18 be withdrawn.

The Examiner rejected claims 10 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Scagnelli in view of McCollom. Claims 10 and 20 have been shown to be allowable above. Claims 10 and 20 are further allowable at least because they depend from allowable independent claims 1 and 11. Applicant respectfully requests that the rejection of claims 10 and 20 be withdrawn.

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The Examiner rejected claims 22-26 and 28-32 under 35 U.S.C. § 102(e) as being anticipated by Walker. Claims 22-26 and 28-32 depend from independent claims 21 and 27 and are allowable at least because claims 21 and 27 are allowable. Applicant respectfully requests that the rejection of claims 22-26 and 28-32 be withdrawn.

Conclusion

For at least the foregoing reasons, applicant respectfully submits that this application is in condition for allowance.

Accordingly, prompt reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,
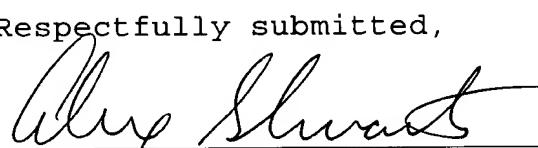
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6. (Amended) The method of claim 1 further comprising recording, in a multimedia format, the lottery drawings associated with the lotteries in which the user participated.

16. (Amended) The system of claim 11 further comprising user equipment configured to record, in a multimedia format, the lottery drawings associated with the lotteries in which the user participated.

22. (Amended) A method for using an interactive wagering application to allow a user to participate in a lottery automatically using user equipment, comprising:

giving the user the ability to [set] specify conditions via the user equipment on which the interactive wagering application is at least partially implemented; and

automatically participating in the lottery on behalf of the user when the conditions have been met.

27. (Amended) A system for using an interactive wagering application to allow a user to participate in a lottery automatically comprising user equipment configured to:

the user the ability to [set] <u>specify</u>

conditions <u>via the user equipment on which the interactive</u>

<u>wagering application is at least partially implemented</u>; and

automatically participate in the lottery on

behalf of the user when the conditions have been met.